

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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**ROBERT ALLEN BAUTISTA®**,  
Plaintiff,

v.

Civil Action No. 3:24-cv-02593

**PRICE WATERHOUSE COOPERS LLP**,  
Defendant.

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**MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff, **ROBERT ALLEN BAUTISTA®**, by and through his undersigned counsel, respectfully moves this Court for leave to amend the complaint pursuant to Federal Rule of Civil Procedure 15(a)(2). In support of this motion, Plaintiff states as follows:

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**I. INTRODUCTION**

Plaintiff seeks leave to amend his complaint to include additional claims, provide clarification of legal theories, and correct minor errors. This amendment reflects new evidence and developments, including Plaintiff's response to the Court's November 18, 2024 order, compelling arbitration. Furthermore, Plaintiff seeks to refine certain factual allegations for greater clarity and completeness.

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**II. CASE BACKGROUND AND PROCEDURAL HISTORY**

The following provides a summary of the pertinent case history:

- **Date Filed:** October 15, 2024
- **Case Number:** 3:24-cv-02593
- **Assigned Judge:** Senior Judge Sidney A. Fitzwater
- **Cause of Action:** Civil Rights Act (42 U.S.C. § 1983)
- **Nature of Suit:** Civil Rights - Employment
- **Jurisdiction:** Federal Question

Plaintiff, **ROBERT ALLEN BAUTISTA®**, acting pro se, initiated this action on October 15, 2024 (Docket No. 3). The case was assigned to Senior Judge Sidney A. Fitzwater (Docket No. 1). Defendant, **Price Waterhouse Coopers LLP**, was served on October 25, 2024 (Docket No. 6). On November 15, 2024, Defendant filed a motion to abate and compel arbitration (Docket No. 7). The Court granted Defendant's motion on November 18, 2024, and administratively closed the case pending arbitration (Docket No. 8).

Plaintiff filed a motion to alter the judgment on November 20, 2024 (Docket No. 9), followed by an amended complaint on November 26, 2024 (Docket No. 11). Plaintiff's motions to reopen the case, filed December 5, 2024 (Docket No. 12), are currently pending. Additionally, Defendant filed a response to Plaintiff's motions on December 19, 2024 (Docket No. 15), and Plaintiff filed a reply on December 20, 2024 (Docket No. 16).

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### III. LEGAL STANDARD

Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its pleading with the court's leave, and such leave should be "freely given when justice so requires." The Court considers factors such as undue delay, bad faith, and prejudice to the opposing party. See *Foman v. Davis*, 371 U.S. 178, 182 (1962). The Fifth Circuit encourages granting leave to amend unless there is evidence of prejudice or undue delay.

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### IV. REASONS FOR AMENDING THE COMPLAINT

Plaintiff seeks leave to amend the complaint for the following reasons:

1. **Newly Discovered Evidence:** Since filing the original complaint, Plaintiff has come into possession of new evidence crucial to his claims, which was not available at the time of the original filing. This evidence is directly relevant to the issues at hand and warrants amendment to ensure accuracy in the pleadings.
  2. **Clarification of Claims:** Plaintiff seeks to refine the legal theories and factual allegations presented in the original complaint. The amendment will provide clarity regarding certain claims and ensure that they align with the facts developed since the filing of the initial complaint.
  3. **Correction of Typographical and Procedural Errors:** Minor typographical errors and procedural deficiencies exist in the original complaint that need to be addressed. These changes will not alter the substance of Plaintiff's case but will ensure greater clarity and accuracy in the presentation of claims.
  4. **Response to Developments in Arbitration:** Following the Court's order to compel arbitration, Plaintiff has gained further insights into how the arbitration will affect his claims. This amendment reflects Plaintiff's understanding of the case as it moves forward in the arbitration process.
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### V. NO UNDUE PREJUDICE TO DEFENDANT

Granting leave to amend will not unduly prejudice Defendant. This case remains in the early stages, with ongoing motions and no substantive discovery having taken place. Defendant will have sufficient time to review and respond to the amended complaint, and Plaintiff is not seeking to delay the case unduly.

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### VI. CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court grant leave to file the attached amended complaint. This amendment is necessary to ensure that all claims are properly

presented and will not cause undue prejudice to Defendant. Plaintiff further requests that the Court allow the filing of the attached amended complaint.

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**Dated:** 12/21/2024

**Respectfully submitted,**

WITHOUT RECOURSE  
WITHOUT PREJUDICE  
**ROBERT ALLEN BAUTISTA®**  
**BY: /s/ Bautista, Robert-Allen / Agent**

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Robert Allen Bautista / Attorney-In-Fact

**CERTIFICATE OF SERVICE**

I hereby certify that on 12/21/2024, a true and correct copy of the foregoing Motion for Leave to Amend was served via electronic filing on all counsel of record.

WITHOUT RECOURSE

WITHOUT PREJUDICE

**ROBERT ALLEN BAUTISTA®**

**BY: /s/ Bautista, Robert-Allen / Agent**

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Robert Allen Bautista / Attorney-In-Fact

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**Exhibit A**

[Amended Complaint]